

FILED: October 15, 2009

UNITED STATES COURT OF APPEALS

FOR THE FOURTH CIRCUIT

No. 09-1504 (L)
(3:08-cv-00318-RCC)
(07-30391)

ROWLAND LAND COMPANY,

Plaintiff - Appellant

v.

PEACHTREE RIDGE MINING COMPANY, INCORPORATED,

Defendant - Appellee

RHINO EASTERN, LLC; OFFICIAL COMMITTEE OF UNSECURED CREDITORS,

Parties-in-Interest - Appellees

and

OFFICE OF THE UNITED STATES TRUSTEE; DONN A. CHICKERING; GKJE ASSOCIATES, L.P.; XCOAL ENERGY & RESOURCES; NOVA COAL AG; DICKINSON PROPERTIES LIMITED PARTNERSHIP; SOUTHERN LAND COMPANY LIMITED PARTNERSHIP; EASTERN ASSOCIATED COAL COMPANY; PATRIOT COAL CORPORATION; POCAHONTAS DEVELOPMENT CORPORATION; POCAHONTAS LAND COMPANY; J & R REPAIRS, INCORPORATED; VECCELLIO & GROGAN, INCORPORATED; KT CONSULTING, INCORPORATED; INTERNAL REVENUE SERVICE; WOLF RUN MINING COMPANY, INCORPORATED; KOMATSU FINANCIAL, LTD; WORKFORCE WEST VIRGINIA; AEP WEST VIRGINIA, INCORPORATED; PENN VIRGINIA OIL & GAS CORPORATION; ALLIANCE CONSULTING, INCORPORATED; VOLVO FINANCIAL; UNITED STATES DEPARTMENT OF LABOR, OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT; RANGER FUEL CORPORATION; EAGLE MID VOL, LLC; WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL PROTECTION; RAMEY AUTOMOTIVE GROUP, INCORPORATED; BLACKSTONE RESOURCES, INCORPORATED,

Parties-in-Interest

No. 09-1523
(3:08-cv-00319-RCC)
(07-30391)

ROWLAND LAND COMPANY,

Plaintiff - Appellant

v.

PEACHTREE RIDGE MINING COMPANY, INCORPORATED,

Defendant - Appellee

RHINO EASTERN, LLC; OFFICIAL COMMITTEE OF UNSECURED CREDITORS,

Parties-in-Interest - Appellees

and

OFFICE OF THE UNITED STATES TRUSTEE; DONN A. CHICKERING; WOLF RUN MINING COMPANY, INCORPORATED; GKJE ASSOCIATES, L.P.; XCOAL ENERGY & RESOURCES; NOVA COAL AG; DICKINSON PROPERTIES LIMITED PARTNERSHIP; SOUTHERN LAND COMPANY LIMITED PARTNERSHIP; KOMATSU FINANCIAL, LTD; EASTERN ASSOCIATED COAL COMPANY; PATRIOT COAL CORPORATION; POCAHONTAS DEVELOPMENT CORPORATION; POCAHONTAS LAND COMPANY; WORKFORCE WEST VIRGINIA; AEP WEST VIRGINIA, INCORPORATED; PENN VIRGINIA OIL & GAS CORPORATION; J & R REPAIRS, INCORPORATED; VECELLIO & GROGAN, INCORPORATED; KT CONSULTING, INCORPORATED; VOLVO FINANCIAL; BLACKSTONE RESOURCES, INCORPORATED; UNITED STATES DEPARTMENT OF LABOR, OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT; INTERNAL REVENUE SERVICE; RANGER FUEL CORPORATION; EAGLE MID VOL, LLC; WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL PROTECTION; ALLIANCE CONSULTING, INCORPORATED; RAMEY AUTOMOTIVE GROUP, INCORPORATED,

Parties-in-Interest

O R D E R

Upon consideration of the stipulated motion to dismiss, the Court dismisses this appeal, upon such terms as have been agreed to by the parties, pursuant to Rule 42(b) of the Federal Rules of Appellate Procedure.

For the Court--By Direction

/s/ Patricia S. Connor, Clerk